



PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Toshiyuki KANAI et al.

Application No.: 10/569,793

Filed: February 27, 2006

For: STAPLE FORMING AND DRIVING
MACHINE

Confirmation No.: 6625

Group Art Unit: 3721

Examiner: Michelle Lopez

Commissioner for Patents
Customer Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with 37 C.F.R. § 1.97(c), the above-identified Applicants cite the following patents, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. In compliance with 37 C.F.R. § 1.98(a)(2)(i), a copy of the foreign patents listed on the attached Form PTO 1449 are provided. A copy of the Supplementary European Search Report issued on June 23, 2008 in a corresponding foreign application is attached. Applicants respectfully request that the references be considered by the Examiner. Pursuant to the rules pertaining to applications filed after June 30, 2003, a copy of the U.S. references are not enclosed. A copy of the references will be submitted upon request by the Examiner.

Applicants respectfully request that these items be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning copies of the enclosed Form PTO-1449 with the next official action.

While this Information Disclosure Statement may be “material” pursuant to 37 C.F.R. § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to herein is “prior art” for this invention or otherwise material to the patentability of this invention as defined in 37 C.F.R. § 1.56.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application. In accordance with 37 C.F.R. §1.97(e)(2), it is certified that no item of information cited in the information disclosure statement was ever cited in a communication from a foreign patent office in a counterpart foreign application; and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information cited in the information disclosure statement was known to any individual designated under 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement. A copy of the Supplementary European Search Report issued on June 23, 2008 in a corresponding foreign application is attached. The following references

cited in the Supplementary European Search Report were not cited in the Information Disclosure Statement for the reasons set forth. U.S. Patent No. 6,923,360 was cited by the Examiner in an Office Action dated August 8, 20007. This reference corresponds to U.S. Published Patent Application No. 2004/0020963 cited in the Supplementary European Search Report. JP-54-71268 was filed in the Information Disclosure Statement at the time of the filing of the application. U.S. Patent Nos. 4,573,625 and 4,978,045 were cited in the Office Action dated January 30, 2007.

No fee is believed to be due. If the Patent Office deems that a fee is necessary, please charge the required fee to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: July 15, 2008

By:



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